

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON T. CARBAJAL,  
Plaintiff,  
v.  
FRESNO POLICE DEPARTMENT, et al.,  
Defendants.

Case No. 1:21-cv-01825-JLT-BAM  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 8)

The assigned magistrate judge screened Plaintiff's first amended complaint and issued findings and recommendations that this action be dismissed for failure to state a cognizable claim for relief.<sup>1</sup> (Doc. 8.) The magistrate judge also found that Plaintiff's first amended complaint violated Federal Rules of Civil Procedure 8, 18, and 20. Plaintiff filed objections on July 5, 2022. (Doc. 9.)

According to 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds that the findings and recommendations are supported by the record and proper analysis. Although Plaintiff's objections attempt to cure Rule 8 pleading deficiencies, they fail to address any of the additional pleading and legal deficiencies identified by the magistrate judge, such as improper

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<sup>1</sup> The Court screens complaints brought by persons proceeding *pro se* and *in forma pauperis*. 28 U.S.C. § 1915(e)(2).

1 joinder, the statute of limitations, Eleventh Amendment immunity, and judicial immunity.<sup>2</sup>  
2 Plaintiff's objections do not provide a basis for rejecting the magistrate judge's findings and  
3 recommendations and do not demonstrate that Plaintiff is able to cure the deficiencies in his  
4 complaint. Thus, the Court **ORDERS**:

- 5 1. The findings and recommendations issued on June 16, 2022 (Doc. 8) are
- 6 **ADOPTED IN FULL.**
- 7 2. This action is **DISMISSED** for failure to state a cognizable claim upon which
- 8 relief may be granted; and
- 9 3. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: July 12, 2022

  
UNITED STATES DISTRICT JUDGE

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2 In addition, after the issuance of the findings and recommendations, the U.S. Supreme Court held in *Vega v. Tekoh*, 597 U.S. \_\_\_, 2022 WL 2251304 (2022), that a plaintiff cannot bring a cause of action for damages under  
28 Section 1983 based upon a *Miranda* violation, which is one of the claims Plaintiff is trying to advance in this lawsuit.